

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

JOHN DOE and JANE DOE,

Plaintiffs-Counterclaim Defendants,

v.

Case No. 3:22-cv-49-RSB-JCH

JOSHUA MAST, STEPHANIE MAST,
RICHARD MAST, and KIMBERLEY
MOTLEY,

Defendants-Counterclaim Plaintiffs.

**CONSENT MOTION FOR A BRIEFING SCHEDULE FOR PLAINTIFFS' MOTION
TO DISMISS DEFENDANT KIMBERLEY MOTLEY'S COUNTERCLAIMS**

Plaintiffs, by counsel and pursuant to Fed. R. Civ. P. 6(b)(1) and Local Civil Rule 11(c)(2), file this motion to set a briefing schedule on their motion to dismiss the counterclaims of Defendant Kimberley Motley (ECF 488), and state as follows:

1. Defendant Kimberley Motley filed her Answer to the Amended Complaint and Counterclaim September 11, 2024. ECF 488.
2. Plaintiffs filed their motion to dismiss Motley's counterclaims on September 17, 2024. Under the Court's Local Rules, Motley's opposition to the motion is due no later than October 1, 2024. *See* W.D. Va. Loc. R. 11(c)(1).
3. The Court previously granted the briefing schedule requested by Plaintiffs and the Mast Defendants on the motions to dismiss the Masts Defendants' counterclaims. The Masts' responses to the motions to dismiss are due October 15, 2024, with any replies from Plaintiffs due October 29, 2024. *See* ECF 480.

4. Plaintiffs' arguments in support of dismissing Motley's counterclaims largely mirror the arguments raised in support of dismissing the Masts' counterclaims. For the sake of efficiency, Plaintiffs propose a schedule that will align the briefing on the motions. Plaintiffs thus propose the following deadlines for the briefing on the Motley motion to dismiss:

- a. Motley's Response: Tuesday, October 15, 2024
- b. Plaintiffs' Reply: Tuesday, October 29, 2024

5. Undersigned counsel for Plaintiffs has conferred with counsel for Motley, who conveyed that Motley does not oppose the proposed briefing schedule.

WHEREFORE, Plaintiffs respectfully ask the Court to grant this motion and to order the above deadlines and briefing schedule. A proposed Order is attached.

Dated: September 17, 2024

Respectfully submitted,

/s/ Kevin S. Elliker

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